

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

TEX HOLBROOK, II,

Petitioner,

v.

CIVIL ACTION NO. 2:12-cv-00953

DAVID BALLARD,

Respondent.


**ORDER**

Pending before the court is defendant David Ballard's Motion for Summary Judgment [Docket 11]. This Motion was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). When a Magistrate Judge issues a recommendation on a dispositive matter, the court reviews *de novo* those portions of the Magistrate Judge's report to which specific objections are filed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The court has reviewed *de novo* those portions of the Proposed Findings and Recommendations [Docket 79] to which the plaintiff has filed specific Objections [Docket 84], and **FINDS** that the plaintiff's objections lack merit. Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The defendant's Motion for Summary Judgment is **GRANTED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 27, 2013



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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE